

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 89-638-C - ORDER NO. 90-211
MARCH 12, 1990

IN RE: Application of Southern Bell Telephone) ORDER
 & Telegraph Company for Revisions to its) DENYING
 General Subscriber Service Tariff,) MOTION
 Section Nos. A6 and A-13)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion filed on behalf of Steven W. Hamm, the Consumer Advocate for the State of South Carolina (the Consumer Advocate) on March 1, 1990, moving the Commission to issue an order granting a continuance in the instant docket which would require the Applicant to conduct a customer survey and to amend its application so as to conform with S.C. Code Ann. §17-29-10, et seq. (Cum. Supp. 1989).

According to the Motion filed by the Consumer Advocate, it is alleged that Southern Bell's application for Caller*ID would permit the sale and use of a device which would allow the receiver of incoming calls to see the telephone number of the caller displayed before the receiver answers the phone. According to the Motion, some units could also record the date and time of a call and store this information for future use. As filed, the Application would not give a caller any way to prevent his number from being displayed. Therefore, according to the Motion of the Consumer

Advocate, Caller*ID meets the definition of a "trap and trace" device as contemplated by S.C. Code Ann. §17-29-10 (1976) and should not be permitted for use as contemplated in the proposed tariff offering of Southern Bell.

While the Consumer Advocate is not recommending that Caller*ID service not be allowed, the Consumer Advocate contends that the only way to meet the requirements of S.C. Code Ann. §17-29-20 is by providing callers a mechanism by which they would "consent" to the transmission of their telephone number. The Consumer Advocate points out that in other states the technology exists to allow a caller to selectively block the transmission of his or her phone number. The Consumer Advocate recommends ordering Southern Bell to offer this Caller*ID blocking mechanism on a per line and/or per call basis.

In order to affect these proposed changes by the Consumer Advocate, the Consumer Advocate requests the Commission to grant a continuance in the instant docket, require Southern Bell to withdraw the application as filed and refile the tariff revisions to provide for a generally available blocking mechanism to be introduced in conjunction with the availability of Caller*ID, and to require Southern Bell to conduct a Commission supervised customer survey as to consumer attitude toward the value of Caller*ID, privacy concerns with the service, and the merits of alternative services which could accomplish the purposes of Caller*ID. The Consumer Advocate also requests the opportunity to participate in the drafting of such a survey.

On March 5, 1990, the Commission received a return filed on behalf of Southern Bell to the Motion of the Consumer Advocate. Southern Bell's return takes issue with the Consumer Advocate's contention that Caller*ID service as proposed in Southern Bell's tariff is an impermissible "trap and trace device" under S.C. Code Ann. §17-29-20. Southern Bell offered support to its position in this matter.

Responding to the portion of the Consumer Advocate's Motion which would require a consumer survey, Southern Bell points out that Caller*ID service is an optional, not mandatory, service and that consumers will express their attitude towards the value of the service when they decide whether or not to subscribe thereto.

The Commission has considered the motion filed on behalf of the Consumer Advocate and the return to said motion filed by Southern Bell. The Commission sees no reason to conduct a consumer survey for an optional service offering. The customers will make their choice in the marketplace. Since there is no need to conduct a survey, the Commission has determined that the Consumer Advocate has shown no basis for a continuance of the hearing that has been scheduled in this matter. The question of the legality of the service offered by Southern Bell may be brought to the Commission's attention during the hearing scheduled in this matter for March 14, 1990, and if raised therein, will be considered by the Commission in its deliberations.

Therefore, the Commission finds and concludes that the Motion filed on behalf of the Consumer Advocate should be dismissed

insofar as its request for a continuance of the hearing and the request to conduct a consumer survey. The issue of the alleged violation of S.C. Code Ann. §17-29-10 et seq. will be addressed if raised during the hearing before the Commission.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

Carolyn H. Mason
Chairman

ATTEST:

Charles W. Ballentine
Executive Director

(SEAL)